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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,809	09/07/2000	Anders Bergsten	192379US2PCT	6745

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RLG

Office Action Summary

Application No.

09/581,809

Applicant(s)

BERGSTEN ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galaand et al (U.S. 5,495,479) and in view of Arrowood et al (U.S. 5,987,521).

As per claims 15,21 Galaand disclosed a method of remotely distributing information packet routes to routers of a network, comprising: suggesting an explicit route determined by an explicit routing algorithm not distributed to routers of the network (col. 7, lines 54-64),

However Galaad did not disclose in details the explicit route suggested for replacing a first route determined by a routing algorithm of one of the routers; checking that the explicit route is substantially free of potential loops, errors, and excessive traffic; and distributing, after the checking, the explicit route to the one of the routers.

In the same field of endeavor Arrowood disclosed that the route controller is use to calculate optimum routes of the messages originating at the node of Fig. 2. Controller can, for example, use updated information in network topology database to calculate the optimum network

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topology dated base to calculate the optimum route using an algorithm such as that described in afore-mentioned patent U.S. Pat No. 5,233,604. Once calculated, such optimum routes are stored locally at the node of Fig. 2 and used by route controller to add this route to the header of all the data packets to be forwarded to this destination (col. 4, lines 41-49). When received, this "SET_PATH" command is processed as described in connection with FIG. 5 to create the path successfully, update the path entry and create a path status entry with the path identification specified in "SET_PATH" command. The results (success or failure) of this attempt to create a new path is then returned to the Manager node (col. 9, lines 18-24).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the route controller is use to calculate optimum routes of the messages originating at the node of Fig. 2. Controller can, for example, use updated information in network topology database to calculate the optimum network topology dated base to calculate the optimum route using an algorithm such as that described in afore-mentioned patent U.S. Pat No. 5,233,604. Once calculated, such optimum routes are stored locally at the node of Fig. 2 and used by route controller to add this route to the header of all the data packets to be forwarded to this destination When received, this "SET_PATH" command is processed as described in connection with FIG. 5 to create the path successfully, update the path entry and create a path status entry with the path identification specified in "SET_PATH" command. The results (success or failure) of this attempt to create a new path is then returned to the Manager node as taught by Arrowood in the method of Galaand to reduce the latency in the network and increase the throughput of the network.

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3. As per claims 16,22 Galaand-Arrowood disclosed further comprising: establishing the explicit route; and detecting loops, errors, and excessive traffic of the established explicit route; and adjusting the explicit route in response to the detection of loops, errors, and excessive traffic (Arrowood, col. 8, lines 37-53).

4. As per claims 17,23 Galaand-Arrowood disclosed wherein the suggesting, checking, and distributing are performed by an external routing manager agent part (ERMap) unit, and wherein the establishing, detecting, and adjusting are performed by an external routing manager router part (ERMrp) unit (Arrowood, col. 6, lines 41-61).

5. As per claims 18,24 Galaand-Arrowood disclosed wherein the ERMrp unit provides feedback information to the ERMap unit (Arrowood, col. 2, lines 35-42).

6. As per claims 19,25 Galaand-Arrowood disclosed wherein the first route, or a second route determined by the routing algorithm of the one of the routers, replaces the explicit route when the explicit route is no longer needed or desired (Galaand, col. 10, lines 15-29).

7. As per claims 20,26 Galaand-Arrowood disclosed wherein the network is an internet protocol network (Arrowood, col. 2, lines 42-55).

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Applicant arguments are as follows:

8. Applicant argued that prior art did not disclose checking new routes before they are distributed.

As to applicant's argument Arrowood disclosed when received, this "SET_PATH" command is processed as described in connection with FIG. 5 to create the path successfully, update the path entry and create a path status entry with the path identification specified in "SET_PATH" command. The results (success or failure) of this attempt to create a new path is then returned to the Manager node (col. 9, lines 18-24).

9. Applicant argued that prior art did not disclose an external route manager used to effect a plurality of undistributed routing algorithms.

A to applicant's arguments Galaand disclosed an automatic decomposition of the network into a backbone and subareas to speed up the path selection without degrading the optimization criterion of the routing algorithm and without generating additional control messages on the network (col. 7, lines 49-54).

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

12. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

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13. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label

“PROPOSED” or “DRAFT”);

(703)-746-7239 (For Official Communications Intended for entry, please mark “EXPEDITED PROCEDURE”),

(703)-746-7238 (For After Final Communications).

14. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER